10-10-03

Patent

Attorney Docket No. 032722-59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ARTHUR D. GERSHOWITZ

Application No. 10/082,119

Filed:

OCT 0 7 2003

& TRADEM

February 26, 2002

For:

RETROGRADE CANNULA

PREVENTING BLOOD BACK-FLOW

DURING STYLET REMOVAL

MAIL STOP - AF

Group Art Unit: 3763

Examiner: Lina R. Kontos

Confirmation No. 3521

REQUEST FOR RECONSIDERATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 RECEIVED OCT 0 9 2003

TECHNOLOGY CENTER R3700

Sir:

In response to the Official Action dated July 7, 2003, reconsideration of the rejection of the present application is requested.

Claim 1 stands rejected as anticipated by Cragg et al. which discloses a balloon catheter for occluding aneurysms and, as such, requires the use of a guide wire 70 that eventually passes completely through a guide-wire lumen 18 during insertion of the catheter. In contrast, present claim 1 recites a retrograde cannula in which a stylet is to be used to push the cannula in place, so the distal end of the stylet lumen must be blocked (see plug 32 in Fig. 1A). Claim 1 expressly recites that the distal end of the stylet lumen is "blocked" thereby distinguishing over Fig. 3 of Cragg et al. wherein the guide-wire lumen must be left unblocked to accommodate a guide wire.

With respect to the embodiment disclosed in connection with Fig. 5 in Cragg et al., there is provided therein a "valve" 46 which blocks a guide-wire lumen prior to being punctured by the guide wire. Such guide-wire lumen communicates with the sealing member 52 via inflation holes 58. In contrast, claim 1 expressly recites that the sealing member is disposed in non-communication with the stylet lumen, thereby clearly distinguishing over Fig. 5 of Cragg et al.

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Note that in Cragg et al. the only reason for blocking the guide-wire lumen via a rupturable valve 46 is to cause fluid to flow from the guide-wire lumen into the sealing member, so the guide-wire lumen must communicate with the sealing member. Such a situation is to be avoided in the presently claimed invention. The stylet lumen is <u>not</u> to be used to conduct fluid to the sealing member (i.e., the stylet lumen is in non-communication with the sealing member).

If the rejection under section 102 is maintained, applicant respectfully requests that it be explained which embodiment of Cragg et al. is being relied upon and how that embodiment includes <u>both</u> of the above-discussed features of claim 1, namely:

- · a distal end of the stylet lumen being blocked, and
- the sealing member disposed in non-communication with the stylet lumen.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By

Alan E. Kopecki

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Date: October 7, 2003

AFT 3763



Patent Attorney Docket No. <u>032722-593</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	REPLY UNDER 37 CFR 1.116 Expedited Procedure-Technology Center		
Arthur D. GERSHOWITZ)	Group Art Unit: 3763		
	Fe	on No.: 10/082,119 ebruary 26, 2002 ETROGRADE CANNULA) Examiner: Lina R. Kontos) Confirmation No.: 3521			
	PR	REVEN	TTING BLOOD BACK-FLOW STYLET REMOVAL)))	SMITTAI I ETTED		
Comm	nissio	oner fo	AMENDMENT/REPLY To Patents	KAN			
P.O. Box 1450 Alexandria, VA 22313-1450					PECEIVED OCT 0 9 2003		
- OGY CENTED DO							
Е	nclo	sed is	a reply for the above-identified pa	tent	application.		
[A Petition for Extension of Time is also enclosed. A Terminal Disclaimer and the [] \$55.00 (2814) [] \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed. 						
[
[[] Also enclosed is/are						
Į	 [] Small entity status is hereby claimed. [] Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [] \$385.00 (2801) [] \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e). [] Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above. 						
[
	[] Applicant(s) previously submitted, on, for which continued examination is requested.						
[] Applicant(s) requests suspension of action does not exceed three months from the 37 C.F.R. § 1.103(c). The required fe							

Amendment/Reply Transmittal Letter Application No. 10/082,119 Attorney's Docket No. 032722-593 Page 2

[]	A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a)
	(1809/2809) is also enclosed.

- [/] No additional claim fee is required.
- [] An additional claim fee is required, and is calculated as shown below:

	No. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	16	MINUS 20 =		× \$18.00 (1202) =	
Independent Claims	3	MINUS 3 =		× \$86.00 (1201) =	
If Amendment adds mul	ltiple depend	ent claims, add \$290	0.00 (1203)		
Total Claim Amendmen	ıt Fee		-		
If small entity status is o	claimed, sub	tract 50% of Total C	laim Amendn	nent Fee	·
TOTAL ADDITIONA	L CLAIM F	EE DUE FOR THI	IS AMENDM	IENIT	

[]	A total fee in	the amount of \$	is enclosed.
ſ	1	Charge \$	to Deposit Account N	No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 7, 2003

Alan E. Kopecki

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